IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28235 of 2007(J)

PETITIONERS:

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1. KURUVILA K.
S/O LATE J.KURUVILLA,
OZHAVOOR HOUSE, CHEMMANATH KARA,
VAIKOM.

2. MINI, W/O LATE KURUVILLA,
RESIDING AT OZHAVOOR HOUSE,
CHEMMANATH KARA, VAIKOM.

3. ANTONY, S/O LATE J.KURUVILLA,
RESIDING AT OZHAVOOR HOUSE,
CHEMMANATH KARA, VAIKOM.

4. JOY, S/O LATE KURUVILLA,
RESIDING AT OZHAVOOR HOUSE,
CHEMMANATH KARA, VAIKOM.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE AND COMPANY AFFAIRS
(DEPARTMENT OF ECONOMIC AFFAIRS),
NEW DELHI.

2. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, CO-OPERATIVE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

4. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., KOTTAYAM, REPRESENTED BY ITS GENERAL MANAGER, OFFICE OF THE DISTRICT CO-OP. BANK, KOTTAYAM.

5. AUTHORISED OFFICER, DISTRICT CO-OPERATIVE BANK, KOTTAYAM, HEAD OFFICE, D.C.B. KOTTAYAM.

R1 BY ADV. SHRI P. PARAMESWARAN NAIR.
R2 & R3 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)
R4 & R5 BY ADV. SHRI T.R. HARIKUMAR, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 28235 OF 2007 J

Dated this the 26th September, 2007

JUDGMENT

Petitioners availed loans. They were not repaid. Recovery steps are under challenge. I heard the learned counsel appearing for the petitioners and also the learned standing counsel appearing on behalf of the fourth respondent Bank. Learned counsel for the petitioners submits that the petitioners may be granted time and they will sell of the properties which are mortgaged and the amount can be paid off. Learned counsel for the respondent Bank submits that the Bank is amenable to the dues being paid by sale of the mortgaged properties with the permission of the Bank on or before 31.12.2007. In such circumstances, the Writ Petition is disposed of directing that recovery proceedings against the petitioners will be kept in abeyance till 31.12.2007 so as to enable the petitioners to effect sale of the properties mortgaged, with the permission of the Bank, to clear off the dues.

K. M. JOSEPH, JUDGE

kbk.